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Home Equity Loan Trust, Series 2005-D, Asset Backed Pass-Through Certificates*

8 **UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA**

10 DEUTSCHE BANK NATIONAL TRUST
11 COMPANY AS TRUSTEE FOR NEW
12 CENTURY HOME EQUITY LOAN TRUST,
13 SERIES 2005-D, ASSET BACKED PASS-
14 THROUGH CERTIFICATES,

15 Plaintiff,
16 vs.

17 TIMBERLAKE STREET AND LANDSCAPE
18 MAINTENANCE ASSOCIATION; and
19 HAMPTON & HAMPTON COLLECTIONS,
20 LLC,

21 Defendants.

22 Case No.: 2:17-cv-02412-KJD-VCF

23 **STIPULATION AND ORDER TO
24 STAY DISCOVERY**

25 COMES NOW, Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY AS
26 TRUSTEE FOR NEW CENTURY HOME EQUITY LOAN TRUST, SERIES 2005-D, ASSET
27 BACKED PASS-THROUGH CERTIFICATES (“Deutsche Bank”) and Defendant
28 TIMBERLAKE STREET AND LANDSCAPE MAINTENANCE ASSOCIATION (“HOA”) by
and through their respective attorneys of records, and hereby agree and stipulate as follows.

WHEREAS, on September 14, 2017, Deutsche Bank filed a Complaint seeking monetary
damages against the HOA, among others. ECF No. 1.

WHEREAS, on November 8, 2017, the HOA filed a Motion to Dismiss. ECF No. 8. As
of the date of submitting this Stipulation, the Motion to Dismiss is fully briefed and pending
decision from the Court. *See* ECF Nos. 8, 14 and 17.

1 WHEREAS, on January 31, 2018 this Court entered a Scheduling Order relating to the
2 discovery plan in this case setting discovery cutoff for May 7, 2018. ECF No. 19.

3 WHEREAS, Federal District Courts have “wide discretion in controlling discovery.”
4 *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988).

5 WHEREAS, to determine if a stay is appropriate, the court considers (1) damage from the
6 stay; (2) hardship or inequity that befalls one party more than the other; and (3) the orderly
7 course of justice. *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059,
8 1066 (9th Cir. 2007) (setting forth factors). Here, the factors support a stay of all proceedings
9 based on the pending Motion to Dismiss.

10 WHEREAS, the parties believe a stay is warranted because they will be able to avoid the
11 cost of expense of continued written discovery and depositions on issues that may be
12 unnecessary based on the outcome of the pending Motion to Dismiss. Moreover, the Court will
13 be relieved of expending further time and effort considering any discovery-related motions or
14 protective orders.

15 WHEREAS, the parties agree there will be no significant hardship or inequity against any
16 party, and it is appropriate for this Court to exercise its power to grant a stay of discovery at this
17 time. A trial date has not yet been set and the outcome of the pending Motion to Dismiss may
18 potentially result in resolution of the entire case.

19 WHEREFORE, based on the foregoing,

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1 IT IS HEREBY STIPULATED AND AGREED that discovery on the above-identified
2 action should be stayed pending a decision from the Court on the pending Motion to Dismiss.
3 ECF No. 8.

4 **IT IS SO STIPULATED.**

5 DATED this 4th day of May, 2018

6 WRIGHT, FINLAY & ZAK, LLP

DATED this 4th day of May, 2018.

PENGILLY LAW FIRM

7 /s/ Christina V. Miller
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7 /s/ Elizabeth Lowell
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11 Las Vegas, Nevada 89134
12 *Attorneys for Defendant, Timberlake
Street and Landscape Maintenance
Association*

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15 **IT IS SO ORDERED.**

16 DATED this 8th day of May, 2018.

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UNITED STATES MAGISTRATE JUDGE